Document #54609

1/22/92

DOC. # 5469
ADOPTED

MEMORANDUM JANUARY 22, 1992

TO: BOSTON REDEVELOPMENT AUTHORITY AND
STEPHEN COYLE, DIRECTOR

FROM: PAUL BARRETT, DIRECTOR OF ECONOMIC DEVELOPMENT AND
ROBERT MCNEIL, CHIEF GENERAL COUNSEL

SUBJECT: FENWAY URBAN RENEWAL AREA DISPOSITION PARCEL 15

EXECUTIVE SUMMARY: THIS MEMORANDUM REQUESTS THAT THE DIRECTOR BE AUTHORIZED TO EXECUTE A CONFIRMATORY ORDER OF TAKING FOR DISPOSITION PARCEL 15 IN THE FENWAY URBAN RENEWAL AREA AND TO FURTHER ADVERTISE THE PARCEL FOR DISPOSITION IN ACCORDANCE WITH CHAPTER 30 B

On March 15, 1973, the BRA adopted an order of taking for Disposition Parcel 15 in the Fenway Urban Renewal Area. Subsequently, the Authority executed a lease on May 14, 1973 with the Institute of Contemporary art (ICA) for Disposition Parcel 15. A site location map is attached as Exhibit A.

However, a one story brick building located on the parcel, the former site of the police substation, was omitted from the original order of taking. Since this substation was scheduled to be acquired as part of Parcel 15 of the Fenway Urban Renewal Project and the consent to the acquisition is part of the original Fenway Cooperation Agreement with the City, a taking can be effectuated by the BRA.

In order to confirm title in the BRA's name for the portion of Disposition Parcel 15 which was omitted in the original order of taking and which has been considered to be a part of the lease with ICA, the BRA staff recommends that the BRA adopt the Confirmatory Order of Taking attached as Exhibit B and authorize the Director to advertise the Parcel for disposition in accordance with Chapter 30 B.

Appropriate votes follow:

VOTED: That the Confirmatory Order of Taking of January 22, 1992 regarding Disposition Parcel 15 in the Fenway Urban Renewal Area be adopted; and further

VOTED: That the Director be and hereby is authorized to advertise Parcel 15 for disposition in accordance with the procedures of Chapter 30 B of the Massachusetts General Laws.

EXHIBIT A

PARCEL 15
I
II
DISPOSITION PARCEL
SUB-AREA
AIR RIGHTS
PARCEL NUMBER
PROJECT BOUNDARY
DISPOSITION PARCELS
APRIL 1973
Fenway
Urban Renewal Area
Massachusetts
BOSTON REDEVELOPMENT AUTHORITY

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COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

RESOLUTION

BE IT RESOLVED by the Boston Redevelopment Authority that an ORDER OF TAKING dated JAN. 22 1992 relating to a portion of the FENWAY URBAN RENEWAL AREA, MASS. R-115, be executed and made a permanent part of these proceedings, a copy of which the Secretary shall cause to be recorded in the office of the Registry of Deeds for the County of Suffolk.

A true copy

CERTIFICATE

I hereby certify that the following names constitute the entire membership of the Boston Redevelopment Authority:

Clarence J. Jones
Michael F. Donlan
Francis X. O'Brien
James K. Flaherty
Consuelo Gonzales Thornell

A true copy

ATTEST: Kane Simonian
Secretary of the Boston Redevelopment Authority

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COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

BOSTON REDEVELOPMENT AUTHORITY

ORDER OF TAKING

WHEREAS, the Boston Redevelopment Authority, in accordance with G.L. c. 121B and its predecessor statute G.L. c. 121, adopted and filed in the Suffolk County Registry of Deeds, Book 8195, page 523, an Order of Taking, dated March 28, 1968, concerning and describing the FENWAY URBAN RENEWAL AREA, all of the findings, determinations and descriptions set forth therein being incorporated herein by reference and made a part hereof; and

WHEREAS, the Boston Redevelopment Authority has deposited with the Mayor of the City of Boston security to his satisfaction for the payment of such damages as may be awarded in accordance with law to the owner or owners of said area, as required by G.L. c. 79, §40.

NOW THEREFORE BE IT ORDERED that the Boston Redevelopment Authority, acting under the provisions of said c. 121B, and all other authority thereunto enabling and pursuant to the applicable provisions of said c. 79, and of any and every power and authority to it, granted or implied, hereby takes for itself in fee simple by eminent domain, for the purposes hereinbefore set forth or referred to, the area or areas located in the City of Boston as hereinafter described in ANNEX A, together with any and all easements and rights appurtenant thereto, including the trees, buildings and other structures standing upon or affixed thereto.

AND FURTHER ORDERED that in accordance with the provisions of the General Laws, awards are made by the Boston Redevelopment Authority for damages sustained by the owner or owners and all other persons including all mortgagees of record

having any and all interest in each parcel described in ANNEX A and entitled to any damages by reason of the taking hereby made. The Boston Redevelopment Authority reserves the right to amend the awards at any time prior to the payment thereof by reason of a change in ownership or value of said property before the right to damages therefor has become vested or for other good cause shown. The awards hereby made are set forth in ANNEX B which ANNEX B is not to be recorded in the Registry of Deeds with this Order of Taking.

AND FURTHER ORDERED that the Secretary of the Boston Redevelopment Authority cause this instrument of Taking to be recorded in the office of the Suffolk County Registry of Deeds.

IN WITNESS WHEREOF, we, the following members of the Boston Redevelopment Authority have caused the corporate seal of the Authority to be hereto affixed and these presents to be signed in the name and behalf of the Boston Redevelopment Authority.

DATED: JAN 22 1992

BOSTON REDEVELOPMENT AUTHORITY
By:

ATTEST:

Secretary of the Boston Redevelopment Authority

Approved as to form:

Ralph F. Cahill, Assistant General Counsel

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ANNEX A

BOSTON REDEVELOPMENT AUTHORITY

FENWAY URBAN RENEWAL AREA

TAKING AREA DESCRIPTION

The following is the only parcel taken by this Order of Taking:

That certain parcel of land, with the improvements thereon, shown on a plan entitled, "Topographical Plan of Land in Boston, Mass., March 12, 1973, prepared by William S. Crocker, Inc., Civil Engineers & Surveyors, 35 Wm. T. Morrissey Blvd., Boston, Mass.," recorded with Suffolk County Registry of Deeds, in Book 8613, page 60, being more particularly bounded and described as follows:

Beginning at a point on the Northerly line of Boylston Street, said point being 67.61 feet Westerly from the intersection of said northerly line of Boylston Street and the Westerly line of Hereford Street;

thence running Westerly along said Northerly line of Boylston Street, a distance of 97.05 feet, more or less, to a point at land of the Massachusetts Bay Transportation Authority;

thence running Northerly by land of said Massachusetts Bay Transportation Authority, a distance of 110.00 feet, to a point on the Southerly line of Public Alley No. 444;

thence running Easterly by said Southerly line of said Public Alley No. 444, a distance of 113.33 feet, more or less, to a point at land of the City of Boston;

thence running Southerly, Westerly and Southerly by land of said City of Boston, 80.36 feet, 16.28 feet and 29.64 feet, respectively, to the point of beginning.

Said taking is subject to certain rights of the Massachusetts Bay Transportation Authority in the subway tunnel located on the southerly side of the parcel as shown on the above-described plan (the Boston Redevelopment Authority hereby releasing all right, title and interest it may have therein by virtue of Orders of Taking, dated February 8, 1973, and March 15, 1973, recorded with Suffolk Deeds, respectively, in Book 8608, page 471, and Book 8613, page 60; subject to a Lease Agreement dated May 14, 1973, between the Boston Redevelopment Authority and The Institute of Contemporary Art, Inc., recorded with Suffolk Deeds, in Book 8628 page 678, as amended by instrument dated July 10, 1984, recorded with Suffolk Deeds, in Book 11208, page 227; and to a Sub-Lease Agreement dated September 21, 1983, between The Institute of Contemporary Art, Inc., and Pittman-Duggan Corporation, recorded with Suffolk Deeds, in Book 13070, page 43, as amended.

The owner of the parcel of land hereby taken is The City of Boston.

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ANNEX B

BOSTON REDEVELOPMENT AUTHORITY

FENWAY URBAN RENEWAL AREA

AWARD OF DAMAGES

No awards are made with this Order of Taking